



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,742	09/29/2003	Daniel T. Garman	203012	1925

7590 01/25/2005

Douglas L. Tschida
Suite B
633 Larpeur Ave. West
St. Paul, MN 55113

EXAMINER

STINSON, FRANKIE L

ART UNIT	PAPER NUMBER
----------	--------------

1746

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,742

Applicant(s)

GARMAN ET AL.

Examiner

FRANKIE L. STINSON

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-24 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1746

1. Claims 5 and 22-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant claims a "swivel couples water to said hose". It is believe that this would better read as --water source--.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 8, 9, 13-16 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Arnold or Siegal in view of Burns, Rufolo, Coyle or Clifford.

Re claims 1, 14, 16 and 20, Arnold and Siegal are each cited disclosing an apparatus for cleaning residue containing tubes, comprising: a cable/rod; a framework supporting

i) transport means/pinch roller (74, 76 in Arnold and 22 in Siegal) mounted to rotate at said framework for extending and retracting said hose with a reciprocating motion,

ii) reel means (34 in Arnold and 14 in Siegal) mounted to rotate at said framework for coiling and distributing said cable/rod along a longitudinal drive axis common to each of said transport and reel means and

iii) a motor and drive linkage coupled to rotate said transport means and said reel means, whereby said cable/rod is rotated as it extends and retracts along a bore of said tube to clean said residue that differs from the claims only in the recitation of a hose having a spray tip and the high pressure water source. Burns, Rufolo, Irwin and Clifford

Art Unit: 1746

are each cited disclosing a reciprocating spray tip connected to a water source. It therefore would have been obvious to one having ordinary skill in the art to modify the cable/rod in either Arnold or Siegal, to be a hose with a spray tip as taught by one of Burns, Rufolo, Irwin or Clifford, for the purpose of intensifying the cleaning process and for the removal of the dislodged residue. Re claims 2 and 8, Arnold, discloses the arm (46). Re claims 3, 4 and 15, no patentable distinction is deemed to exist between the hub as claimed and the corresponding/equivalent structure in Arnold or Siegal (see MPEP 2144.06). Re claim 9, Arnold discloses the concentric hub and housing (26). Re claims 13 and 18, no patentable distinction is deemed to exist between the motor and drive belt as claimed and the motor and drive chain in Siegal. The same are deemed to be the functional equivalents of each other (see MPEP 2144.06). This is also applicable to the biasing means as claimed in claims 19 and 21 and the biasing means inherently in Siegal.

4. Claims 5 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applied art as applied to claims 1, 14 and 20 above, and further in view of Irwin. Claims 5 and 22-24 define over the applied prior art only in the recitation of the swivel. Irwin is cited disclosing the swivel (108, 110) as claimed. It therefore would have been obvious to one having ordinary skill in the art to modify the device of either Arnold or Siegal, as proposedly modified, to include a swivel as taught by Irwin, for hose the purpose of allowing for the relative rotation between the high pressure water source and the hose.

Art Unit: 1746

5. Claims 10-12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claims 1, 14, 16 and 22 above, and further in view of either Laky or Haase.

Claim 10 defines over the applied prior art only in the recitation of the concentric means for cleaning the outside surface of the hose. Laky (see abstract, line 8) and Haase are each cited disclosing the hose cleaning means as claimed. It therefore would have been obvious to one having ordinary skill in the art to modify the device of either Arnold or Siegal, to include a means for cleaning the external surface of the hose as taught by either Laky or Haase, for the purpose of removing any debris located thereon. Re claims 11, 12 and 17, Haase disclose the brush and manifold (55).

6. Claims 6 and 7 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Blanc, Lockert, Ciaccio, Crane, Sato, Russell, Tsuji et al., Oaki et al., Theiss et al. and Maniar, note the tube cleaning means.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

Art Unit: 1746


shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (572) 272-1308. The examiner can normally be reached on M-F from 5:30 am to 2:30 and some Saturdays from approximately 7:30 am to 1:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr, can be reached on (571) 272-1700. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fls


FRANKIE L. STINSON
Primary Examiner
GROUP ART UNIT 1746